

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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JOSE GREGORIO CORPUS,

Plaintiff,

v.

FRANK LETTEMBERGER,

Defendant.  
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ORDER

06-C-274-C

In an order dated May 19, 2006, I dismissed this civil action filed pursuant to 42 U.S.C. § 1983 because plaintiff's claims that his plea and state court conviction had been obtained illegally and that his sentence was inaccurate were not claims cognizable in a civil action. I explained to plaintiff that habeas corpus was the exclusive remedy for his claims. Now plaintiff has written to request the return of the documents he submitted in support of his complaint and to ask that the \$350 filing fee he paid be refunded to him. Plaintiff's request for return of documents he submitted in support of his complaint will be granted. However, I cannot refund plaintiff's filing fee. It has been deposited in a bank and transmitted to Washington, D.C. in accordance with proper court procedure. There is no provision in the Federal Rules of Civil Procedure or in any statute enacted by Congress that

authorizes a district court to refund a filing fee in instances where the case is closed following a ruling by the judge.

Accordingly, IT IS ORDERED that plaintiff Jose Gregorio Corpus's request for a refund of the filing fee he paid in this case is DENIED.

Plaintiff's request for return of the documents he submitted in support of his complaint is GRANTED. The documents are enclosed to plaintiff with a copy of this order.

Entered this 22<sup>nd</sup> day of June, 2006.

BY THE COURT:

/s/

BARBARA B. CRABB  
District Judge